IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 8056 of 2005

Between:

Smt. T.Paramathama W/o Atchuta Rao
(Licensee and Managing Partner of Sri Lalitha Theatre,

Amalapuram) R/o 40-26-24, Labbipeta, Vijayawada,
Krishna District

..... PETITIONER

AND

1 The Joint Collector & Licensing Authority, East Godavari

District at Kakinada
2 The Mandal Revenue Officer, Amalapuram, East Godavari District
3 The Station House Officer, Town P.S. Amalapuram East Godavari District
4 Smt. D. Anantha Lakshmi W/o D. Nageswara Rao Parter:

Sri Lalitha Theatre, Amalapuram,
R/o Amalapuram, East Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the inaction of the Respondents 1 to 3 herein in not taking any action for closure of Sri Lalitha Theatre, Amalapuram, East Godavari District, beyond 31-3-2005 as illegal, null, void and arbitrary.

Counsel for the Petitioner: MR.K.DURGA PRASAD

Counsel for the Respondents 1 to 3: GP FOR HOME

This Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents 1 to 3 in not taking any action for closure of Sri Lalitha Theatre, Amalapuram, East Godavari District, beyond 31.03.2005 i.e., the date of expiry of licence of the said theatre, as illegal and arbitrary.

Heard learned counsel for the petitioner and learned Government Pleader for Home for the respondents.

The petitioner is the licencee and Managing partner of the said theatre. The grievance of the petitioner is that there are some internal disputes between him and the fourth respondent about the running of the said theatre. While so, even after the expiry of the licence of the said theatre on 31.03.2005, the fourth respondent has been continuing the screening of films. Therefore, he submitted a representation to the respondents 1 to 3 herein on 01.04.2005 to stop the screening of the films in the theatre, but the same was not considered. Hence, the present writ petition.

It is the contention of the learned counsel for the petitioner that the licence period for running the said theatre has come to an end on 31.03.2005, despite which the fourth respondent has been illegally continuing the activity of screening the films. Further, it is the contention of the learned counsel for the petitioner that the petitioner apprehends that for any reason if any irregularity is found while screening the films, which itself is *per se* illegal, he will also be held responsible as the Managing partner of the said theatre. Therefore, the petitioner submitted a representation to the respondents 1 to 3 to take steps to close down the theatre but the same was not heeded to.

Having regard to the facts and circumstances of the case, I am of the considered opinion that this is a matter to be verified by the respondents 1 to 3 as regards the subsistence of the licence and screening of the films by the fourth respondent, therefore suffice it to dispose of the writ petition with a direction to the respondents.

Accordingly, the writ petition is disposed of with a direction that if it is found that the licence of the fourth respondent is not still in subsistence or there is any irregularity committed by him, whatsoever, the respondents 1 to 3 shall initiate appropriate action strictly in accordance with law, as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order. No order as to costs.

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D.S.R.VARMA, J

11.04.2005

DR

To

1 The Joint Collector & Licensing Authority, East Godavari

District at Kakinada
2 The Mandal Revenue Officer, Amalapuram, East Godavari District
3 The Station House Officer, Town P.S. Amalapuram East Godavari District
4 2 CCs to Government Pleader for Home,

High Court Buildings, Hyderabad. (OUT)

5 2 CD copies